

State of South Dakota

NINETY-FIRST SESSION LEGISLATIVE ASSEMBLY, 2016

469X0035

SENATE BILL NO. _____

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to allow a school district to operate an attendance center
2 within another school district.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 13-23 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 A school board may establish an attendance center outside the boundaries of its school
7 district that is within the boundaries of another school district only when both school districts
8 have entered into a joint powers agreement pursuant to chapter 1-24 to provide instruction to
9 the students enrolled in the attendance center.

10 The superintendent of each school district shall meet and negotiate the terms of the joint
11 powers agreement at reasonable times and each superintendent shall negotiate in good faith. A
12 superintendent is not compelled to agree to a proposal or required to make a concession but is
13 required to provide his or her rationale for any position taken by the superintendent in the
14 negotiations.

15 Section 2. The secretary may approve the operation of the attendance center under the
16 provisions of a joint powers agreement if the attendance center will meet the educational needs



1 of the students who will attend it. The educational needs of the students are deemed to be met
2 if the secretary can conclude that the school district that will operate the attendance center will
3 provide the students with the opportunity to learn fundamental education skills and the school
4 district will provide courses of instruction that meet grade appropriate academic content
5 standards. However, if the superintendents are unable to agree to the terms of a joint powers
6 agreement to operate an attendance center, the secretary may approve the operation of the
7 attendance center under the standards provided in this section.

8 The operation of an attendance center under the authority of this section does not affect the
9 operation or authority of any other type or organization to provide an education such as a
10 cooperative educational learning unit or a virtual school.

11 Section 3. A joint powers agreement for a school district to operate an attendance center
12 within the boundaries of another school district is not required for any attendance center that
13 was operated by a school district before January 1, 2016. This section is repealed on July 1,
14 2018.